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School Facilities Bonds. Local Majority Vote.

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Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired Only
1-800-833-8683
e-mail: comments@ss.ca.gov


BILL JONES

Secretary of State
State of California

April 29, 1999

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS (99079)

FROM:


DEIRDRE AVENT
ELECTIONS ANALYST

SUBJECT: WITHDRAWAL OF #831

The proponent of the hereinafter names proposed Initiative Constitutional Amendment has withdrawn the measure.

TITLE: SCHOOL FACILITIES BONDS. LOCAL MAJORITY VOTE.

SUMMARY DATE: April 16, 1999

PROPONENT: Lois Tinson

DIVISIONS:

Archives
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Elections
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Uniform Commercial Code



BILL JONES
Secretary of State
State of California

April 16, 1999

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TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (99070)

FROM: *Deirdre Avent*
DEIRDRE AVENT
ELECTIONS ANALYST

SUBJECT: INITIATIVE #831

RECEIVED

APR 20 1999

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Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**SCHOOL FACILITIES BONDS. LOCAL MAJORITY VOTE.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Lois Tinson, President
California Teachers Association

Attn.: Barry Fadem, Bagatelos & Fadem
Joseph Remcho, James C. Harrison
c/o Remcho, Johansen & Purcell
220 Montgomery Street, Suite 800
San Francisco, CA 94104
(415) 398-6230

#831
SCHOOL FACILITIES BONDS. LOCAL MAJORITY VOTE.
INITIATIVE CONSTITUTIONAL AMENDMENT.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 670,816
California Constitution, Article II, Section 8(b)

2. Official Summary Date:.....Friday, 04/16/99
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336)Friday, 04/16/99

 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a)) Monday, 09/13/99

 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b)).....Thursday, 9/23/99

(If the Proponent files the petition with the county on a date prior to 09/13/99,
the county has eight working days from the filing of the petition to determine the
total number of signatures affixed to the petition and to transmit the total to the
Secretary of State) (EC §9030(b)).

 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Saturday, 10/02/99*

 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e)) Tuesday, 11/16/99

* Date varies based on receipt of county certification.

INITIATIVE #831

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 10/02/99, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 737,898 or less than 637,275 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 637,275 and 737,898 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a)) Friday, 11/26/99*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c)).Friday, 01/07/00

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 11/26/99, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033).....Tuesday, 01/11/00*

* Date varies based on receipt of county certification.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104,9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation in printing, typing and otherwise preparing your initiative petition for circulation and signatures, Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 1
P.O. BOX 9442
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

Facsimile: (916) 323-2137
(916) 324-5490

April 16, 1999

FILED
In the office of the Secretary of State
of the State of California

APR 16 1999

Bill Jones
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

BILL JONES, Secretary of State
By *Heudre Avent*
Deputy Secretary of State

RE: INITIATIVE TITLE AND SUMMARY
SUBJECT: SCHOOL FACILITIES BONDS. LOCAL MAJORITY VOTE.
INITIATIVE CONSTITUTIONAL AMENDMENT.
FILE NO: SA1999RF0003

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,

Connie Lemus
CONNIE LEMUS
Initiative Coordinator

For **BILL LOCKYER**
Attorney General

CL:fec
Enclosures

Date: April 16, 1999
File: SA1999RF0003

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

SCHOOL FACILITIES BONDS. LOCAL MAJORITY VOTE. INITIATIVE

CONSTITUTIONAL AMENDMENT. Authorizes school districts, county education offices, and community college districts to issue bonds for construction, reconstruction, rehabilitation, or replacement of school facilities (including furnishing, equipping, acquiring or leasing of real property) if approved by majority of voters of applicable district or county. Majority voter approval of bonds authorizes property taxes in excess of 1% of full assessed value in order to pay for school bonds. Prohibits use of bond proceeds for teacher and administrator salaries and other school operating expenses. Accountability requirements include annual public audits on use of bond proceeds. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: The measure would result in major annual increases in local debt service costs for kindergarten thru community college district facilities and annual savings of potentially a similar amount in state debt service costs for kindergarten thru community college district facilities.

February 23, 1999

Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814

Attention: Connie Lemus

RECEIVED
FEB 25 1999

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: The Majority Rule Amendment for Smaller Classes,
Safer Schools and Financial Accountability

Dear Ms. Lemus:

Pursuant to Elections Code section 9002, I request that the Attorney General prepare a title and summary of an initiative measure entitled "The Majority Rule Amendment for Smaller Classes, Safer Schools and Financial Accountability." The text of the measure, a check for \$200.00, and the address at which I am registered to vote are enclosed.

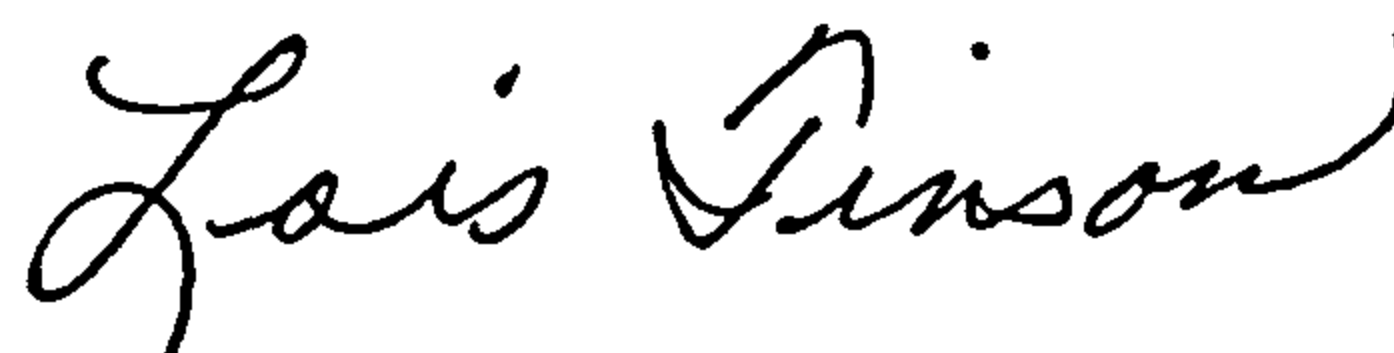
Please direct all correspondence and inquiries regarding this measure to my attorneys:

Barry Fadem
Bagatelos & Fadem

Joseph Remcho and James C. Harrison
Remcho, Johansen & Purcell

c/o Remcho, Johansen & Purcell
220 Montgomery Street, Suite 800
San Francisco, CA 94104
Phone: (415) 398-6230
FAX: (415) 398-7256

Sincerely,



Lois Tinson
President, California Teachers Association

This initiative measure is submitted to the people of California in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure amends, repeals and adds provisions to the California Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

**THE MAJORITY RULE AMENDMENT FOR SMALLER CLASSES, SAFER SCHOOLS
AND FINANCIAL ACCOUNTABILITY**

SECTION ONE. TITLE

This Amendment shall be known as the Majority Rule Amendment for Smaller Classes, Safer Schools and Financial Accountability.

SECTION TWO. FINDINGS AND DECLARATIONS

The people of the State of California find and declare as follows:

(a) Investing in education is crucial if we are to prepare our children for the 21st Century.

(b) We need to make sure our children have access to the learning tools of the 21st Century like computers and the Internet, but most California classrooms do not have access to these technologies.

(c) We need to build new classrooms to facilitate class size reduction, so our children can learn basic skills like reading and mathematics in an environment that ensures that California's commitment to class size reduction does not become an empty promise.

(d) We need to repair and rebuild our dilapidated schools to ensure that our children learn in a safe and secure environment.

(e) We need to give local citizens and local parents the ability to build those classrooms by majority vote local elections so each community can decide what is best for its children.

(f) We need to ensure accountability so that funds are spent prudently and only as directed by citizens of the community.

SECTION THREE. PURPOSE AND INTENT

In order to prepare our children for the 21st Century, to implement class size reduction, to ensure that our children learn in a secure and safe environment, and to ensure that school districts are accountable for prudent and responsible spending for school facilities, the people of the State of California do hereby enact the Majority Rule Amendment for Smaller Classes, Safer Schools and Financial Accountability. This measure is intended to accomplish its purposes by amending the California Constitution:

(a) To provide an exception to the limitation on ad valorem property taxes and the two-thirds vote requirement to allow school districts, county offices of education, and community college districts to equip our schools for the 21st Century, to provide our children with smaller classes, and to ensure our children's safety by repairing, building, furnishing and equipping school facilities;

(b) To ensure that before they vote, voters will be given a list of specific projects their bond money will be used for;

(c) To require an annual audit of the proceeds from the sale of the school facilities bonds until all of the proceeds have been expended for the specified school facilities projects; and

(d) To ensure that the proceeds from the sale of school facilities bonds are used for specified school facilities projects only, and not for teacher and administrator salaries and other school operating expenses, by requiring an annual audit to ensure that the funds have been expended on specific projects only.

SECTION FOUR

Section 1 of Article XIII A of the California Constitution is amended to read:

SEC. 1. (a) The maximum amount of any ad valorem tax on real property shall not exceed One percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

(b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on ~~(1) any indebtedness of the~~ following:

(1) Indebtedness approved by the voters prior to July 1, 1978, or ~~(2) any bonded~~

(2) Bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) Bonded indebtedness incurred by a school district, county office of education, or community college district for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by a majority of the voters of the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, section 1(b)(3), and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and a requirement that the school district board, community college board, or county office of education conduct an annual audit to ensure that the funds have been expended only on the specific projects listed.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

(c) Notwithstanding any other provisions of law or of this Constitution, school districts, community college districts and county offices of education may levy a majority vote ad valorem tax pursuant to subdivision (b).

(d) The Legislature shall conform all applicable laws to subsection (b)(3). Until the Legislature has done so, any statutes that would be affected by subsection (b)(3) shall be deemed to comply with the majority vote requirements of this amendment.

SECTION FIVE

Section 18 of Article XVI of the California Constitution is amended to read:

SEC. 18. (a) No county, city, town, township, board of education, or school district; shall incur any indebtedness or liability, in any manner or for any purpose, exceeding in any year the income and revenue provided for such ~~that~~ year, ~~without the assent of unless: The~~ *indebtedness or liability is approved by two-thirds of the qualified electors thereof, voters of the public entity* voting at an election to be held for that purpose, ~~except provided that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing or replacing public school buildings determined, in the~~

~~manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the qualified electors of the public entity voting on the proposition at such election, nor unless before or at the time of incurring such the indebtedness provision shall be is made for the collection of an annual tax sufficient to pay the interest on such the indebtedness as it falls due, and also provision to constitute provide for a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty 40 years from the time of contracting the same, provided, however, anything to the contrary herein notwithstanding, when indebtedness.~~

(b) Notwithstanding subdivision (a), on or after the effective date of the measure adding this subdivision, in the case of any school district, county office of education, or community college district, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, shall be adopted upon the approval of a majority of the voters of the district or county, as appropriate, voting on the proposition at an election. This subdivision shall apply only to a proposition for the incurrence of indebtedness in the form of general obligation bonds for the purposes specified in this subdivision if the proposition meets all of the requirements of Article XIII A, section 1(b)(3)(A)-(C).

(c) When two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or a majority of the qualified electors voters, as the case may be,

voting on any one of ~~such~~ *those* propositions, vote in favor thereof, ~~such~~ *the* proposition shall be deemed adopted.

(d) The Legislature shall conform all applicable laws to this section. Until the Legislature has done so, any statutes that would be affected by this section shall be deemed to comply with this amendment.

SECTION SIX. SEVERABILITY

If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provisions or applications of this measure to other persons or circumstances, and to that extent the provisions of this measure are deemed to be severable.

SECTION SEVEN. LIBERAL CONSTRUCTION

The provisions of this Amendment shall be liberally construed to effectuate its purposes.